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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 14, 15, 17, 18, and 20-30 were previously pending in the application. Claims 15 and 29 have been cancelled. Accordingly, claims 14, 17, 18, 20-28 and 30 are currently pending. Claims 14, 17, 18, 20, 23, 26, 28, and 30 have been amended. Applicant respectfully asserts that the amendments to the claims add no new matter.

### **Telephone Interview**

Applicant wishes to thank Examiner Ramirez for attending a telephone interview with Applicant's Representatives Caleb Pollack (the undersigned) and Yamima Eadan (Registration No. 64,764), on February 2, 2010.

During the interview, proposed amendments were discussed in view of the Jin reference (US Patent No. 6,776,165). No agreement was reached.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 102/103 Rejection**

In the Office Action, the Examiner rejected claims 14, 15, 17, 18, 20 and 22-30 under 35 U.S.C. § 102(e), as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a), as obvious over US Patent No. 6,776,165 to Jin. Applicant respectfully traverses this rejection in view of the remarks that follow.

Applicant asserts that Jin does not teach or make obvious at least the following features of Applicant's independent claims 14 and 23, as amended.

Claim 14, as amended, includes, *inter alia*:

[a] controller to ... operate [a] magnetic field source to operate [a] MEMS switch ... in response to detecting, via an analysis of [ ] image data, the presence of a substance or a change in light levels

Claim 23, as amended, includes, *inter alia*:

controlling a magnetic field in response to analyzing [ ] image data and detecting via the analyzing the presence of a substance or a change in light levels; and if the presence of a substance or a change in light levels is detected ... controlling a circuit comprising a normally closed magnetic MEMS switch in response to the magnetic field.

Applicant asserts that Jin does not teach or make obvious at least these features.

Although Jin describes an imager, Jin does not teach, explicitly or inherently, controlling a magnetic field or MEMS switch *in response to* analyzing image data or *in response to* detecting the presence of a substance or a change in light levels in the image data, both of which are required in each of claims 14 and 23.

In addition, Claim 14, as amended, includes, *inter alia*:

a normally closed magnetic MEMS switch electrically connected to a processing circuit for controlling a component in the in-vivo device selected from a group consisting of: the image sensor, a transmitter, a power unit and one or more illumination sources ... and a computer processing controller to ... operate the MEMS switch to control the in-vivo device component

Applicant asserts that Jin does not teach or make obvious at least these features.

Although Jin teaches a MEMS (Micro-Electro-Mechanical-systems) capsule, Jin does not teach or make obvious a MEMS *switch*. The term "MEMS" simply refers to the scale of a device, e.g., micro or nano scale. Jin describes MEMS to be "minute machines capable of complex motions and maneuvers" (col. 3, lines 38-39). The only MEMS components in Jin are pop-up instrument 40 (Fig. 4A) and drug release compartment 41 (Fig. 4B), which are indeed capable of complex maneuvers, i.e., collecting tissue samples and activating valves to releasing drugs, respectively. Jin provides no teaching for a MEMS device with a simple switch-like or on/off motion. In fact, nowhere in Jin is there any mention or suggestion of any type of switch.

Additionally, Jin does not teach a MEMS switch electrically connected to a processing circuit ... to control an image sensor, a transmitter, a power unit or one or more illumination sources. As described, the only components in Jin controlled by MEMS technology are pop-up instrument 40 and drug release compartment 41. Neither of these

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components is an image sensor, a transmitter, a power unit or an illumination source, as required in Applicant's claim 14.

Although, as described above, Jin does not teach a switch, Applicant asserts furthermore that Jin does not make obvious a *normally closed* magnetic switch. Applicant describes a normally closed switch, for example, in one embodiment of the claimed invention, to "keep the electrical circuit closed without the presence of a magnetic field ... [and] disconnect [the] electrical circuit [in proximity to a magnetic field]" (e.g., see paragraph [0033] of Applicant's Publication). Furthermore, it is known in the art, and as Applicant teaches in paragraph [0007] of the present Publication, "typically MEMS switches may be normally open, whereby the two terminals are ... not in contact." Thus, although Jin does not teach a switch, if the teaching of Jin were adapted to include or combined with the teaching of any switch, it would be a standard *normally open* switch.

Accordingly, Jin does not anticipate or render obvious at least the aforementioned features of independent amended claims 14 and 23, and therefore claims 14 and 23 are allowable over Jin.

Each of claims 17, 18, 20, 22, 20-28 and 30 depends from one of claims 14 or 23, and is therefore likewise allowable.

Claims 15 and 29 have been cancelled herein. Therefore the rejection thereof is moot.

Accordingly, Applicant requests that the rejection of claims 14, 15, 17, 18, 20 and 22-30, under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) in view of Jin be withdrawn.

### **35 U.S.C. § 103 Rejection**

In the Office Action, the Examiner rejected claim 21 under 35 U.S.C. § 103(a), as being unpatentable over Jin in view of Thompson (US Patent No. 6,580,947).

For the reasons stated above, Jin does not disclose every feature of independent claim 14, on which claim 21 depends. Applicant asserts that Thompson does not cure the deficiencies of Jin. Therefore, claim 21 is likewise allowable over Jin.

Therefore, Applicant requests that the Examiner withdraw the rejection of claim 21 under 35 U.S.C. § 103(a).

### **Conclusion**

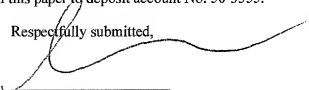
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In view of the foregoing amendments and remarks, Applicant asserts that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due in association with this paper. However, if any fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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